THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16854 of 2007

Dt:09.08.2007

Between:

Geetanjali English Medium School.

.. Petitioner

and

The Deputy Transport Commissioner and Secretary and another.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16854 OF 2007

ORDER:

The vehicle of the petitioner bearing No.KA-25-7869 was seized on 29.06.2007, on the grounds that it was overloaded and that the petitioner failed to produce the necessary documents in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 29.06.2007, discloses that the petitioner did not produce the permit, F.C., I.C., P.U.C and driving licence and that the vehicle was overloaded. Certain other lapses were

also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that-

a) the vehicle of the petitioner bearing No.KA-25-7869, shall be released, on its depositing a sum of Rs.10,000/- (Rupees Ten Thousand Only);

b) the petitioner shall also furnish an undertaking to the effect that it shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized and that it shall produce the vehicle as and when required;

c) the petitioner shall not be entitled to ply the vehicle, unless it is covered by the relevant documents and the arrears of tax, if any, are paid; and

d) in case, the vehicle of the petitioner is found plying without valid documents, the permit itself shall be liable to be cancelled.

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09.08.2007

Note: Issue operative portion of the order by wire at party's costs.

(B/o)

JSU